

FILED

OCT 20 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LORENZO ANDRADE PARTIDA,

Defendant.

No. CR 09-00740-DLJ (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Lorenzo Andrade Partida is charged in an indictment with illegal reentry into the United States following deportation in violation of 8 U.S.C. § 1326(a) and (b). On October 15, 2010 the United States moved for Mr. Andrade Partida's detention pursuant to 18 U.S.C. § 3142(f)(2)(A) (because there is a serious risk that the defendant will flee), and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Mr. Andrade Partida did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the October 20, 2010 hearing before this Court, Mr. Andrade Partida waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the

DETENTION ORDER
CR 09-00740 DLJ (DMR)

1

cc: Copy to parties via ECF, Frances, Pretrial Services, 2 Certified Copies to U.S. Marshal

1 right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses,
2 to cross-examine adverse witnesses, and to present information by proffer or otherwise), but he
3 retained his right to raise any additional relevant information at a later hearing. The Court notes
4 that Mr. Andrade Partida is subject to an immigration detainer issued by Immigration and
5 Customs Enforcement ("ICE").

6 After considering the limited information available to the Court, and the factors set forth
7 in 18 U.S.C. § 3142(g), the Court detains Mr. Andrade Partida as a serious risk of flight and finds
8 that no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his
9 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
10 1403, 1406 (9th Cir. 1985).

11 II. CONCLUSION

12 The Court detains Mr. Andrade Partida as a serious flight risk. Because Defendant
13 waived his right to present information under 18 U.S.C. § 3142(f) without prejudice to raising
14 relevant information at a later hearing, the Court orders that the hearing may be reopened at
15 Defendant's request at any future time.

16 Mr. Andrade Partida shall remain committed to the custody of the Attorney General.

17 IT IS SO ORDERED.

18
19
20 DATED: October 20, 2010



21 DONNA M. RYU
22 United States Magistrate Judge
23
24
25
26
27
28